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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

12 *In re* GERALD MCKINNEY,

13 *Debtor,*

14 Case No. C-07-04653 MMC

15 On Appeal from the United States Bankruptcy
 16 Court for the Northern District of California,
 17 Bankruptcy Case No. 06-30314-TEC

**18 STIPULATED REQUEST FOR ORDER
 19 CHANGING TIME (CONTINUANCE OF
 20 STATUS CONFERENCE IN
 21 BANKRUPTCY APPEAL) PURSUANT TO
 22 LOCAL RULE 6-2; DECLARATION OF
 23 THOMAS F. KOEGEL IN SUPPORT**

24 **RECITALS**

25 A. This matter is an appeal from an order of the Honorable Thomas E. Carlson, United
 26 States Bankruptcy Judge concerning the standard for allowance of the fees of a Chapter 7 Trustee
 27 following the 2005 “Bankruptcy Abuse Prevention and Consumer Protection Act” effective for
 28 cases filed on or after October 17, 2005. A matter directly related to the first order remains
 pending before Judge Carlson. Judge Carlson’s resolution of the matter pending before him
 might prompt a further appeal to this court, which appeal would properly be consolidated with the
 present appeal. It might also provide a resolution in the matter that would result in the dismissal

of this appeal.

B. Anticipating Judge Carlson's resolution of the matter before him, the parties had previously stipulated to an order staying the briefing schedule in this appeal and continuing the status conference in the matter to January 18, 2008, at 10:30 a.m. The court granted the stipulation and request by order dated October 23, 2007.

C. After further briefing, the matter still pending before Judge Carlson is now set for further hearing on January 14, 2008. The parties request that this court continue its January 18, 2008, status conference to allow Judge Carlson sufficient time to issue a final order on the matter and for the parties either to file an appeal of that order or seek dismissal of this appeal.

NOW, THEREFORE, THE PARTIES STIPULATE AND REQUEST AS FOLLOWS:

The status conference in this action may be continued to March 14, 2008, at 10:30 a.m.

Dated: January 11, 2008

FOLGER LEVIN & KAHN LLP

/S/
Thomas F. Koegel
Special Counsel for Appellant
E. Lynn Schoenmann

Dated: January 11, 2008

LAW OFFICES OF JAMES F. BEIDEN

/s/ _____
James F. Beiden
Counsel for Appellee
Gerald McKinney

DECLARATION OF THOMAS F. KOEGEL

I, THOMAS F. KOEGEL, declare,

1 1. I am a member of the firm of Folger Levin & Kahn LLP, special counsel to
2 Bankruptcy Trustee, E. Lynn Schoenmann. I make this declaration of my personal knowledge,
3 and if called upon would testify to the matters stated in my declaration.

4 2. The matters stated in the recitals are true and correct.

5 3. The one previous extension of time in this case was the continuance of the status
6 conference to January 18.

7 4. The stipulation will extend the time before which this court may establish a
8 briefing schedule. Nevertheless, such extension of time is in the interest of judicial economy and
9 of the time of the parties. It will avoid unnecessary efforts either because Judge Carlson's
10 resolution of the matter pending before him will (a) result in a dismissal of this appeal or (b)
11 result in a second appeal that would appropriately be consolidated with this appeal under a single
12 set of briefs.

13 I declare under penalty of perjury under the laws of the United States that the foregoing is
14 true and correct. Executed this 11th of January, 2008.

15 _____/S/
16 Thomas F. Koegel
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/S/